S.B.Civil Revision Petition No.426/2004

Shrawan Singh.
vs.
Shri Ganditiya Dev.

Date : 11.7.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. Suresh Shrimali, for the petitioner.
Mr. S Saruparia, for the respondent.

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Heard learned counsel for the parties.

After going through the reasons given by the appellate court in its order dated 27.7.2004 and looking to the facts as mentioned in the plaint, it appears that the question of jurisdiction in the present facts and circumstances is a mixed question of fact and law rather than pure question of law and, therefore, if the first appellate court directed the defendant to submit written statement so that the suit can be decided and at that time, the question of jurisdiction can also be decided properly, I do not find that the appellate court has committed any error of law so as to call for interference by this court while exercising jurisdiction under Section 115 CPC.

Consequently, I do not find any merit in the revision petition and the same is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya